

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

KELLY RUTH MORTENSON,

Defendant.

**CR-06-39-GF-BMM-02**

**ORDER**

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter January 11, 2017. (Doc. 371.) Neither party filed objections. When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Thomas v. Arn*, 474 U.S. 140, 149-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a revocation hearing on January 4, 2017. (Doc. 371 at 3-4.) Mortenson admitted that she violated the conditions of her supervised release. The violations prove serious and warrant revocation of Mortenson's supervised release. Judge Johnston has recommended that the Court

revoke Mortenson's supervised release and commit Mortenson to the custody of the Bureau of Prisons for two months. *Id.* at 4. Judge Johnston further has recommended that 52 months of supervised release follow her custody period. *Id.*

The Court finds no clear error in Judge Johnston's Findings and Recommendations. Mortenson's violations of her conditions represent a serious breach of the Court's trust. A sentence of two months custody followed by 52 months supervised release represents a sufficient, but not greater than necessary, sentence.

**IT IS ORDERED** that Judge Johnston's Findings and Recommendations (Doc. 371) is ADOPTED IN FULL.

**IT IS FURTHER ORDERED** that Defendant Kelly Ruth Mortenson be sentenced to two months custody followed by 52 months of supervised release.

DATED this 26th day of January, 2017.



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Brian Morris  
United States District Court Judge